

ORIGINAL

C.T.J. w/o

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

2014 DEC -4 PM 4:20

CLERK OF COURT

)
SECURITIES AND EXCHANGE COMMISSION,)
)
Applicant,)
)
vs.)
)
SERVERGY, INC.)
)
Respondent.)
)

Misc. Action No.:

4-14 NC-022-0

**APPLICATION OF THE SECURITIES AND EXCHANGE COMMISSION
FOR ORDER COMPELLING COMPLIANCE WITH ADMINISTRATIVE SUBPOENAS**

Applicant Securities and Exchange Commission (the “SEC”) moves this Court for an Order compelling compliance with administrative subpoenas served on Respondent Servergy, Inc. This motion is based on the SEC’s Memorandum of Law in support of the motion, the Declaration of Samantha S. Martin dated December 4, 2014, and exhibits thereto.

The SEC requests that this Court enter an Order:

- (1) Directing Servergy to produce documents to the SEC in accordance with its subpoenas dated October 17, 2013; May 14, 2014; and September 16, 2014 within fifteen days of the date of the Order;
- (2) Granting the SEC such other and further relief as may be necessary and appropriate to ensure that Respondent complies with the administrative subpoenas and any Order this Court issues; and
- (3) Preserving this Court’s jurisdiction over this matter to ensure that Respondent complies with the administrative subpoenas and any Orders of this Court.

Dated: December 4, 2014

Respectfully submitted,

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION



MATTHEW GULDE

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Securities and Exchange Commission*

CERTIFICATE OF CONFERENCE

The SEC submits this Certificate of Conference in accordance with Local Rule 7.1(b). Pursuant to Local Rule 7.1(a), on December 2, 2014, SEC staff attorney Samantha S. Martin and spoke telephonically to counsel for Respondents, James Jacks. During this conversation, Mr. Jacks represented that Servergy intended to respond to the SEC's November 24, 2014 proposal, but could not predict when or what the response would be. The undersigned informed Mr. Jacks in that call and by confirming letter that the SEC remained prepared to seek relief from the Court as set forth in the November 24, 2014 letter.



SAMANTHA S. MARTIN

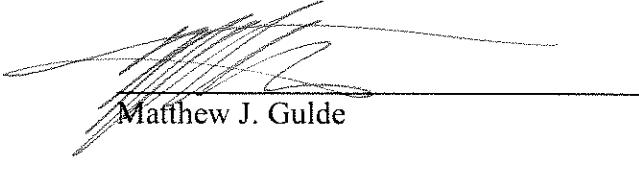
CERTIFICATE OF SERVICE

On December 4, 2014, I served the (1) the Application of the Securities and Exchange Commission Compelling Compliance with Administrative Subpoenas, (2) the Memorandum of Law in Support of the Application of the Securities and Exchange Commission Compelling Compliance with Administrative Subpoenas, (3) the Declaration of Samantha Martin, dated December 4, 2014, and exhibits thereto, and (4) the Proposed Order by mailing the foregoing documents via UPS overnight delivery to:

Servergy, Inc.
5900 S. Lake Forest Dr. Suite 1201
McKinney, Texas 75070

With a courtesy copy via UPS overnight delivery to:

S. Cass Weiland
Squire Patton Boggs LLP
2000 McKinney Ave., Suite 1700
Dallas, TX 75201



Matthew J. Gulde